

DAVID BURCHARD
CHAPTER 13 TRUSTEE
P.O. BOX 8059
FOSTER CITY, CA 94404
(650) 345-7801 FAX (650) 345-1514
(707) 544-5500 FAX (707) 544-0475

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION**

In re:
CARL F. and GABRIELA BURLESON
1639 BUCKEYE RD
WILLITS, CA 95490

###-##-0426 ###-##-0153
Debtor(s).

Case No.: 10-1-2761AJ13
Chapter 13

NOTICE BY DAVID BURCHARD, CHAPTER 13
TRUSTEE, OF CHAPTER 13 PLAN DEFICIENCIES

341 MEETING OF CREDITORS:

Date: 09/01/2010
Time: 11:00 AM
Place: Office of the United States Trustee
777 Sonoma Ave., First Floor, #116
Santa Rosa, CA 95404

CONFIRMATION HEARING:

Date: 10/18/2010
Time: 1:30 PM
Place: United States Bankruptcy Court
99 South E Street
Santa Rosa, CA 95404

DAVID BURCHARD, Chapter 13 Trustee in the above-entitled action, cannot recommend Confirmation of the Chapter 13 Plan proposed hereunder by Debtor(s) for the following reason(s).

1. Paragraph 11 of the Debtors' plan indicates the lien on the Debtors' real property held by Citibankna shall be voided. The Trustee requests that Debtors' Notice and Motion to Avoid Lien be filed and resolved prior to confirmation.
2. Paragraph 11 of the Debtors' plan indicates the lien on the Debtors' real property held by Wells Fargo Bank shall be voided. The Trustee requests that Debtors' Notice and Motion to Avoid Lien be filed and resolved prior to confirmation.
3. Schedule I reflects \$1,350.00 received from income from real property. The Trustee requests verification of said monthly income.
4. Schedule I lists monthly income in the amount of \$5,261.92, while Schedule J lists monthly expenses in the amount of \$5,280.00. Debtors' plan payments are \$434.00 a month for 60 months. The Trustee questions the feasibility of the Debtors being able to make plan payments under these circumstances. 11 U.S.C. §1325(a)(6) provides that a plan cannot be confirmed if the debtors are unable to make plan payments.
5. Schedule J reflects \$1,000.00 a month for food for a household of 2 people. The Trustee requests clarification and verification of said monthly expense.

PLEASE TAKE NOTICE that, without prior notice, at the above-referenced confirmation hearing date assigned to your Chapter 13 case, the Court may DISMISS the above-referenced case upon making a determination that Debtor(s) has/have not presented a feasible Plan, Debtor(s) has/have not made the required payments under the Plan, Debtor(s) has/have violated the statutory debt limitations set for a Chapter 13 case, Debtor(s) has/have not filed this proceeding in good faith, Debtor(s) has/have not provided documents and/or Schedules and Plan as required under the Bankruptcy code, and/or Debtor(s) has/have not provided the Trustee with Payment Advices or Declarations.

Dated: August 17, 2010

DAVID BURCHARD

DAVID BURCHARD, Chapter 13 Trustee

Certificate of Mailing

I, DENIZ BRIDGMAN, the undersigned, certify that:

I am over the age of 18 years and not a party to this action. I am employed by the Trustee whose business address is 393 Vintage Park Drive, Suite #150, Foster City, CA. On the date set forth below, I served a copy of the NOTICE BY DAVID BURCHARD, CHAPTER 13 TRUSTEE, OF CHAPTER 13 PLAN DEFICIENCIES, and this Certificate of Mailing, on the persons listed below by following our ordinary business practice for service, which is either deposited in the ordinary course of business with the U.S. Postal Service by first class mail or served by electronic transmission from the Court, if applicable. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

CARL F. and GABRIELA BURLESON
1639 BUCKEYE RD
WILLITS, CA 95490

DANIEL B. BECK
BECK LAW, P.C.
2681 CLEVELAND AVE.
SANTA ROSA, CA 95403

United States Trustee
235 Pine Street, Suite 700
San Francisco, CA 94104

Dated: August 17, 2010

DENIZ BRIDGMAN

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